

1 JOSEPH P. RUSSONIELLO (CSBN 44332)  
United States Attorney

2 BRIAN J. STRETCH (CSBN 163173)  
Chief, Criminal Division

4 SUSAN KNIGHT (CSBN 209013)  
Assistant United States Attorney

5 REID DAVIS  
Law Clerk

7 150 Almaden Blvd., Suite 900  
San Jose, California 95113  
8 Telephone: (408) 535-5036  
FAX: (408) 535-5066  
9 RMDavis@usa.doj.gov

10 Attorneys for Plaintiff

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA, ) No. 08-00087 RS  
15 Plaintiff, )  
16 v. ) STIPULATION AND [PROPOSED]  
17 MARIA CONSUELO MACHUCA ) ORDER EXCLUDING TIME  
18 ZUNIGA, )  
a/k/a Maria Consuelo Gomez, ) SAN JOSE VENUE  
19 a/k/a Maria Consuelo Machuca Gomez, )  
20 Defendant. )  
21 \_\_\_\_\_)

22 On April 10, 2008, the parties in the above-referenced case appeared before the Court for a  
23 status appearance. At that appearance, the parties requested that the case be continued to May  
24 12, 2008 in order afford the government sufficient time to obtain further discovery requested by  
25 defense counsel. Reid Davis, Law Clerk for the United States Attorney's Office, then requested  
26 an exclusion of time under the Speedy Trial Act from April 10, 2008 until May 12, 2008. The  
27 defendant, through her lawyer, agreed to the exclusion. The undersigned parties agree and  
28 stipulate that an exclusion of time is appropriate based on the defendant's need for effective

1 preparation of counsel.

2  
3 SO STIPULATED:

JOSEPH P. RUSSONIELLO  
United States Attorney

4  
5 DATED: 4/14/08

/s/  
6 SUSAN KNIGHT  
Assistant United States Attorney

7 DATED: 4/14/08

/s/  
8 Assistant Federal Public Defender

9  
10  
11 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded  
12 under the Speedy Trial Act from April 10, 2008 to May 12, 2008. The Court finds, based on the  
13 aforementioned reasons, that the ends of justice served by granting the requested continuance  
14 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant  
15 the requested continuance would deny defense counsel reasonable time necessary for effective  
16 preparation, taking into account the exercise of due diligence, and would result in a miscarriage  
17 of justice. The Court therefore concludes that this exclusion of time should be made under 18  
18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

19 SO ORDERED.

20  
21 DATED: \_\_\_\_\_

RICHARD SEEBORG  
United States Magistrate Judge